

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**JAMES A STEPHENS, III**

**Plaintiff,**

**v.**

**CASE NO: 2:07-CV-473-ID**

**CITY OF MONTGOMERY, et al.,**

**Defendant.**

**RESPONSE TO DEFENDANTS' ANSWER**

**COMES NOW** James Arthur Stephens, III, Plaintiff in the above-styled case, and files this Response and would show unto the Court the following:

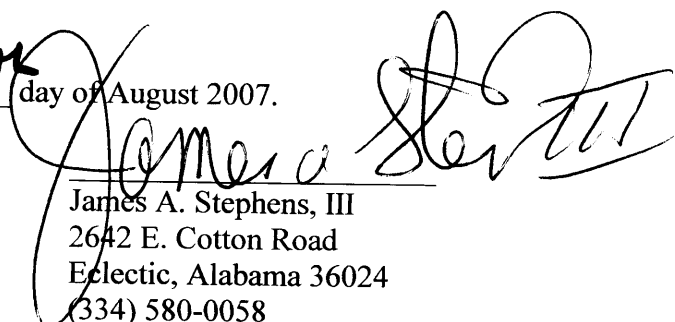
1-7. All allegations are denied and strict proof is demanded thereof.

Affirmative Defenses – All of the defenses are denied and strict proof is demanded thereof. The Complaint does state a cause of action upon which relief can be granted; the Plaintiff should be entitled to relief; there are viable intentional or negligent acts committed and the Plaintiff's claim should not be dismissed; Plaintiff has damages caused by the Defendants; the Plaintiff and other Defendants were deprived of their basic needs and their Constitutional rights were violated which includes cruel and unusual punishment; there is no immunity defense due to their acts; no discretionary function immunity for Defendants; no qualified immunity for Defendants; punitive is certainly proper in this case; the Defendants have unclean hands; the claims of Plaintiff have merit and should not be dismissed; the Plaintiff's injuries are not de minimus; the Plaintiff has complied with the statutory requirements; and the Defendants are liable.

### RESPONSE TO WRITTEN REPORT OF DEFENDANTS

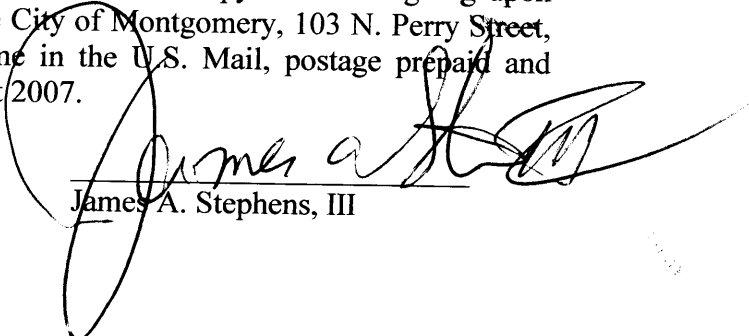
All allegations in the Report are denied and strict proof is demanded thereof. Also, there seems to be a great amount of unnecessary and irrelevant information in the report that was designed to intimidate the Plaintiff and should not be considered by the Judge.

RESPECTFULLY submitted this 7<sup>th</sup> day of August 2007.

  
James A. Stephens, III  
2642 E. Cotton Road  
Eclectic, Alabama 36024  
(334) 580-0058

### CERTIFICATE OF SERVICE

I hereby certify that I have served a true and exact copy of the foregoing upon Hon. Kimberly O. Fehl, Legal Counsel for the City of Montgomery, 103 N. Perry Street, Montgomery, AL 36104 by placing the same in the U.S. Mail, postage prepaid and properly addressed, on this 7<sup>th</sup> day of August 2007.

  
James A. Stephens, III